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JUN 06 2014

CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Chrisanne L. Nelson

Plaintiff(s),

vs.

Xcel Energy, Inc.

Case No. _____
(To be assigned by Clerk of District
Court)

DEMAND FOR JURY
TRIAL

YES ☐ NO ☐

Defendant(s).

(Enter the full name(s) of ALL plaintiffs
and defendants in this lawsuit. Please
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

PARTIES


1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Chrisanne L Nelson
Street Address	2499 Galtier Circle
County, City	Ramsey, Roseville
State & Zip Code	Minnesota, 55113
Telephone Number	(651) 766-6993

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address

SCANNED

JUN 06 2014 

U.S. DISTRICT COURT ST. PAUL

where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name **Xcel Energy, Inc.**
Street Address **414 Nicollet Mall, 2nd floor**
County, City **Hennepin, Minneapolis**
State & Zip Code **Minnesota, 55401**

b. Defendant No. 2

Name
Street Address
County, City
State & Zip Code

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.c., 2.d., etc.)

JURISDICTION

The Court has jurisdiction over this action under 28 U.S.C. § 1331.

3. This employment discrimination lawsuit is based on (check only those that apply):

- a. ☐ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et. seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin. **NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission (EEOC).**
- b. ☒ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et. seq.*, for employment discrimination on the basis of age (age 40 or older). **NOTE: In**

order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission (EEOC).

- c. ☐ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et. seq.*, for employment discrimination on the basis of disability. **NOTE:** *In order to bring suit in federal court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC).*
- d. ☐ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et. seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. **NOTE:** *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office (EEO) representative or agency.*
- e. ☐ Other (Please describe.)

4. If you are claiming that the discriminatory conduct occurred at a location other than the defendant's address above, please provide the following information on where the conduct occurred:

(Street Address)

(City/County)

(State)

(Zip Code)

5. When did the discrimination occur? Please give the date or time period:

August 2012- June 2013

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

a. ☒ Yes Date filed: 02/28/2014

b. ☐ No

7. Have you received a Notice of Right-to-Sue Letter?

- a. ☒ Yes If yes, please attach a copy of the letter to this complaint.
- b. ☐ No

NATURE OF THE CASE

8. The conduct complained of in this law suit involves (check only those that apply):

- a. ☐ Failure to hire me
- b. ☒ Termination of my employment
- c. ☐ Failure to promote me
- d. ☐ Failure to accommodate my disability
- e. ☐ Terms and conditions of employment differ from those of similar employees
- f. ☐ Retaliation
- g. ☐ Harassment
- h. ☐ Other conduct (please specify):

i. Did you complain about this same conduct in the charge of discrimination, referred to in number 6 above?

- ☒ Yes ☐ No

9. I believe that I was discriminated against because of my (check all that apply):

- a. ☐ Race
- b. ☐ Religion
- c. ☐ National origin

- d. ☐ Color
- e. ☐ Gender
- f. ☐ Disability
- g. ☒ Age (my birth year is: ¹⁹⁶⁰~~1,960~~)
- h. ☐ Other (please specify):

- i. Did you state the same reason(s) in the charge of discrimination, referred to in number 6 above?

☒ Yes ☐ No

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct (i.e. how, where, and when). Each paragraph must be numbered separately, beginning with number 10. Please write each allegation of discrimination in a separately numbered paragraph.

10.

I was employed by Xcel Energy since 1984, most of it in Labor Relations since 2/1/86. I was a very good performer for just short of 29 years of employment. Our department, Workforce Relations, was having on-going transition issues with employees leaving our area since 2012, and I was expected to take on more areas of responsibility while we were short staffed. At mid-year, August 2012, I was rated a "2" - partial meets, due to 2 customer concerns (out of around 70 customers) regarding my response time, although I was told "many of my customers are very pleased with my customer service". At year end, and when Directors were allowed to give final year results, on January 31, 2013, I was told I was still rated at a "2" out of "5", which is "needs improvement" March 25, 2013, I was put on a performance improvement plan and simultaneously was issued the 2nd step of discipline (Written Reminder) for performance (2 other customer issues with timeliness issues during the time of more areas being assigned to me). In almost 29 years of service, I was NEVER disciplined for performance issues and was always rated a good performer during my employment. Then on May 17, 2013, I was issued the last step of discipline for alleged performance issues during the investigation, it didn't matter what I was saying while trying to explain the issues that were brought up where a result of "past precedence". It didn't matter to them, I was told there are two decisions for my new Director to make and "neither was

and also demoted from Senior Workforce Relations Consultant to Workforce Relations Consultant. A \$15,000 demotion.

very good for me". I feel I was set up to fail with the added responsibility. I was unjustly dismissed by Xcel Energy on June 4, 2013.

I have talked to others who were over 40 years old that also worked in the Human Resources Department that were treated the same way I was at the end of their unjust dismissals from Xcel Energy. One is Nancy Nelson, Retirement Dept., she was a 33 year employee who was also rated a "2" after being a good performer her entire career; she was so upset about how she got rated, she retired because she was eligible. Also for Connie Schliesman, from Talent Mgmt. Dept., her last year before being laid off after

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☒

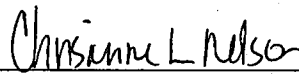
Please label the attached sheets of paper as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

I was 4 years away from full retirement. The pattern I was seeing from Xcel Energy on how to get rid of employees over 40 years old in the Human Resources dept, does not feel right for a Corporation. There are others I could discuss in the same situation. I am seeking the retirement earnings that I was denied as a result of releasing me 4 years early. With further pension contributions and Social Security Supplement and Retirement Spending Account accruals; the total I am seeking is \$100,000.

Date: 06/06/2014



Signature of Plaintiff

Mailing Address 2499 Galtier Circle
Roseville, MN 55113

Telephone Number (651) 766-6993

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.

Chrisanne Nelson

Added page for question 10. *Additional Facts*

Over 30 years of employment before being laid off after over 30 years of employment, was also rated a "2" after being a good performer her entire career. Her boss Eric Zachovich, was so upset about giving her a "2" rating, he ultimately ended up leaving Xcel Energy.

I am citing these individuals to show the pattern of how Xcel Energy is treating those who are over 40. Neither of those I cited are seeking a remedy, they wanted to support my effort.

I will be retaining an attorney. In the process currently. My current attorney is not available to work on this case due to other commitments, however, he told me he wished he could help me.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Minneapolis Area Office

330 South Second Avenue, Suite 720
Minneapolis, MN 55401-2224
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Minneapolis Status Line: (866) 408-8075
Minneapolis Direct Dial: (612) 335-4041
TTY (612) 335-4045
FAX (612) 335-4044

Chrisanne L. Nelson
2499 Galtier Circle
Roseville, MN 55113.

RE: Chrisanne L. Nelson vs. Xcel, EEOC Charge Number: 444-2014-00578

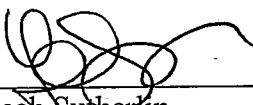
To Chrisanne Nelson:

The Equal Employment Opportunity Commission (EEOC) has completed its investigation of the charge of discrimination you filed against Xcel. Based on the evidence that we obtained, we were not able to conclude that a violation of the statutes enforced by the EEOC occurred. Therefore, the EEOC has dismissed your charge and issued you a Notice of Right to Sue. This Right to Sue grants you the right to file a lawsuit against the Respondent within 90 days of your receipt of this letter. If you do not file a lawsuit within 90 days of receipt, your right to sue will be lost and cannot be restored by the EEOC. We have enclosed an information sheet regarding suing in federal district court should you wish to pursue your claim further.

Should you have any additional questions, you may contact me at (612) 334-4004.
I hope this information is helpful.

Sincerely,

03/04/2014
Date



Leah Sutherland
Investigator

Enclosure

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 444-2014-00578 </div> </div>	
Minnesota Department Of Human Rights & Minneapolis Department of Civil Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Ms. Chrisanne L. Nelson		Home Phone (Incl. Area Code) (651) 766-6993	Date of Birth 11-14-1960
Street Address City, State and ZIP Code 2499 Galtier Circle, Roseville, MN 55113			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name XCEL ENERGY		No. Employees, Members 500 or More	Phone No. (Include Area Code) (612) 330-5500
Street Address City, State and ZIP Code 414 Nicollet Mall, Minneapolis, MN 55401			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01/01/2013 06/04/2013 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I. I was employed by the above-named Respondent during the relevant period. While employed, I was treated differently and less favorably than employees outside my protected class based on my age/53. I was disciplined and eventually discharged.</p> <p>II. Respondent's reason for adverse action: none given.</p> <p>III. It is my belief that I was discriminated against based on my age/53 in violation of the Age Discrimination in Employment Act of 1967, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT Chrisanne L Nelson SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 2/28/14	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> 2/28/14 Date </div> <div style="text-align: center;"> Chrisanne L Nelson Charging Party Signature </div> </div>			

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if **retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Chrisanne L. Nelson**
2499 Galtier Circle
Roseville, MN 55113

From: **Minneapolis Area Office**
330 South Second Ave
Suite 720
Minneapolis, MN 55401



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

444-2014-00578

Leah M. Sutherlin,
Investigator

(612) 334-4004

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

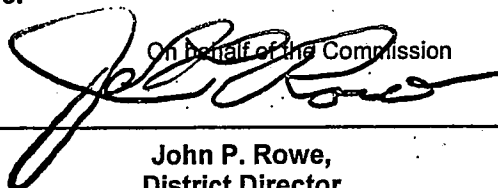
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



John P. Rowe,
District Director

Enclosures(s)

03/04/2014
 (Date Mailed)

cc: **Mary E. Lewis, Manager**
EEO and Employee Relations
414 Nicollet Mall
Minneapolis, MN 55401

Enclosure with EEOC
Form 161 (11/09)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction.. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.